

Entered - 11/14/00 - sb  
CL00L0689 - DIANNE C. MITCHELL

00- *R* -2034

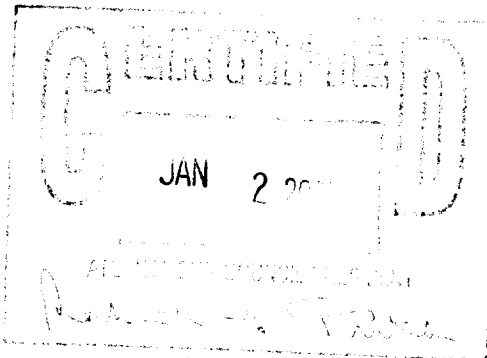
CLAIM OF: **CARLTON DWAYNE MARTIN**,  
through his attorney,  
Sheryl Barnes  
531 Boulevard, SE  
Atlanta, Georgia 30312

For damages alleged to have been sustained as a result of an arrest on  
September 1, 2000 at an undisclosed location.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind R Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADV  
cc - Public Safety  
12/12/00  
cc - Car To Martin  
*Quincy Shipt*  
*Clara Henderson*  
*Michael R...*



**CERTIFIED**  
JAN 9 2001  
*Rhonda Daughlin Johnson*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 8, 2001

Sheryl Barnes  
Attorney at Law  
531 Boulevard, SE  
Atlanta, GA 30312

00-R-2034

RE: Carlton Dwayne Martin

Dear Aattorney Barnes:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 2, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0689

Date: December 1, 2000

Claimant /Victim CARLTON DWAYNE MARTIN  
BY: (Atty) Sheryl Barnes  
Address: 531 Boulevard, SE, Atlanta, Georgia 30312  
Subrogation: Claim for Property damage \$ not stated Bodily Injury \$             
Date of Notice: 11/13/00 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/01/00 Place: not stated  
Department Police Division:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that he was falsely arrested by a Fulton County police officer due to a clerical error the State Department of Public Safety made regarding his driver's license records. The City of Atlanta was not responsible for the error. Additionally, the City is immune from liability as set forth in O.C.G.A. §36-33-1 and §26-33-3.

**INVESTIGATION:**

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

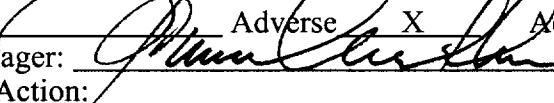
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 12-01-00  
Committee Action:            Council Action

RCS# 2499  
1/02/01  
2:34 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-13

ADOPT

YEAS: 13 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1944  
00-R-2059

CONSENT

		01/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1107 2. 00-O-2068 3. 00-O-1866 4. 00-O-1888 5. 00-O-1876 6. 00-O-1884 7. 00-O-1889 8. 00-O-2053 9. 00-O-2063 10. 00-O-2076 11. 00-O-1564 12. 00-O-2014 13. 00-O-2061 14. 00-R-1226 15. 00-R-1954 16. 00-R-2036 17. 00-R-2037 18. 00-R-2038 19. 00-R-2058 20. 00-R-2060 21. 00-R-2091 22. 00-R-2045 23. 00-R-1459 24. 00-R-2048 25. 00-R-2049 26. 00-R-2050 27. 00-R-2077 28. 00-R-2102 29. 00-R-2046 30. 00-R-2047 31. 00-R-2093 32. 00-R-2094 33. 00-R-2095 34. 00-R-2096 35. 00-R-2097 36. 00-R-2018 37. 00-R-2019 38. 00-R-2020 39. 00-R-2021 40. 00-R-2022	41. 00-R-2023 42. 00-R-2024 43. 00-R-2025	44. 00-R-2026 45. 00-R-2027 46. 00-R-2028 47. 00-R-2029 48. 00-R-2030 49. 00-R-2031 50. 00-R-2032 51. 00-R-2033 52. 00-R-2034 53. 00-R-2035